



# Legal Scholarship Symposium: The Scholarship of Laurence Tribe: Introductory Remarks

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## Introductory Remarks

Laurence H. Tribe

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# LEGAL SCHOLARSHIP SYMPOSIUM: THE SCHOLARSHIP OF LAURENCE TRIBE

## INTRODUCTORY REMARKS

Laurence H. Tribe<sup>\*</sup>

“They say that the first sentence in any speech is always the hardest. Well, that one’s behind me.” If only I could claim credit for that way of beginning this brief introduction to the embarrassingly generous collection of articles this law journal has been thoughtful and energetic enough to solicit and orchestrate. But here I am, already into my fourth sentence, and I find that it’s every bit as hard, if not more so, than the first three. Happily, I won’t need to say very much, because the law journal’s editors have kindly given me license to be as brief as I choose to be. And I’ll choose to be very brief indeed. As the author of my opening pair of sentences—Wisława Szymborska—explained in her Nobel Lecture (Stockholm, Dec. 7, 1996), “Imperfection is easier to tolerate in small doses.”

Well, I’m now into my second paragraph and I’ve yet to say anything at all. A signal achievement, any reader must admit. But what, after all, could I say that would not tarnish, or at least cast serious doubt upon, the intriguing and mostly exaggerated kindnesses heaped on me by the estimable array of legal thinkers whose words grace the pages of this issue?

Akhil Amar’s graceful (and, as always, too generous) appreciation of what my constitutional law treatise did to spark the doctrinal investigations of many others—and to inspire his own towering contributions (my assessment, not his) to the genre—eases my transition from that recently abandoned terrain to different, no less challenging, territory.<sup>1</sup>

David Barron’s sparkling essay on how the theme of self-government winds its way through my Supreme Court advocacy on behalf of cities generates a geometry connecting the dots of my briefs and oral arguments more elegantly than any structure I consciously designed, but it is a geometry whose congruence with my own thought process I am thrilled to affirm; my pride in having spun the web that David unraveled is

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<sup>\*</sup> Laurence H. Tribe is the Carl M. Loeb University Professor at Harvard University and Professor of Constitutional Law at Harvard Law School.

1. Akhil Reed Amar, *A Tribute to Larry Tribe*, 42 Tulsa L. Rev. 801 (2007).

exceeded only by my admiration for his acumen in having unearthed its hidden architecture.<sup>2</sup>

Erwin Chemerinsky's Herculean effort to sew a silk purse out of what I still view as my sow's ear of a Supreme Court Foreword defending the essence of the Supreme Court's holding in *Roe v. Wade*<sup>3</sup> represents an indisputably powerful and enduring contribution to the cottage industry that decision's poorly crafted rationale generated.<sup>4</sup>

Heather Gerken's wonderful "Larry and Lawrence" investigation of the intractable "levels of generality" puzzle with which I have grappled throughout my career prolongs my period of mourning at having lost her as a colleague to Yale while reminding me that Heather remains a colleague in spirit despite the geographical distance between New Haven and Cambridge.<sup>5</sup>

Pat Gudridge's hidden history of affirmative obligation brilliantly deconstructs and then reconstructs not only the interlocking defenses that Frank Michelman and I offered for some of the handiwork of the late William H. Rehnquist but also the complexly layered linkage between the Rehnquist project and the theme of allegiance and protection that Pat illuminates beneath the Fourteenth Amendment.<sup>6</sup>

Sandy Levinson's intriguing meditation on arms and constitutional design reminds me again why I find his invariably unconventional and perceptive work so endlessly provocative.<sup>7</sup>

Frank Michelman's lapidary essay on the "not so puzzling persistence of the futile search" illuminates with Frank's invariably penetrating and uniquely insightful vision both the strengths and the weaknesses of my 1980 critique of John Hart Ely's magisterial work.<sup>8</sup>

Martha Minow's characteristically Talmudic exploration of the linked riddles of the religion clauses does honor to my 1975 reflections on three differently linked riddles by performing its intellectual acrobatics on the stage I sketched fully 33 years ago, at a shockingly distant temporal remove from today's horizons.<sup>9</sup>

Steve Reinhardt's multifaceted paean to my ostensible achievements as scholar, teacher, and advocate leaves me speechless with humility.<sup>10</sup>

Kathleen Sullivan's unbelievably brilliant dissection of the topological and geometric infrastructure of virtually all my most serious constitutional work likewise leaves me wordless with gratitude at having been so deeply understood and warmly

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2. David J. Barron, *The Promise of Tribe's City: Self-Government, The Constitution, and a New Urban Age*, 42 Tulsa L. Rev. 811 (2007).

3. 410 U.S. 113 (1973).

4. Erwin Chemerinsky, *In Defense of Roe and Professor Tribe*, 42 Tulsa L. Rev. 833 (2007).

5. Heather K. Gerken, *Larry and Lawrence*, 42 Tulsa L. Rev. 843 (2007).

6. Patrick O. Gudridge, *A Hidden History of Affirmative Obligation*, 42 Tulsa L. Rev. 857 (2007).

7. Sanford Levinson, *Arms and Constitutional Design: An Essay for Laurence Tribe*, 42 Tulsa L. Rev. 883 (2007).

8. Frank I. Michelman, *The Not So Puzzling Persistence of the Futile Search: Tribe on Proceduralism in Constitutional Theory*, 42 Tulsa L. Rev. 891 (2007).

9. Martha Minow, *The Government Can't, May, or Must Fund Religious Schools: Three Riddles of Constitutional Change for Laurence Tribe*, 42 Tulsa L. Rev. 911 (2007).

10. Stephen Reinhardt, *Tribute to Professor Laurence Tribe*, 42 Tulsa L. Rev. 939 (2007).

embraced.<sup>11</sup>

And Kenji Yoshino's dazzling dissection and defense of the double helix of liberty and equality that underlies the theme of dignity running through my constitutional advocacy reinforces my conviction that I am at least asking the right questions—and my respect for Kenji's striking contributions toward their formulation and perhaps even their resolution.<sup>12</sup>

In the oral presentations in Tulsa<sup>13</sup> on which this remarkable edifice of essays is built, several of the symposiasts spoke in considerably more personal terms about what my life and career had meant to them. Those were, I must confess, the presentations that invariably brought tears to my eyes as they led me to reflect on what the lives and careers of those I have had the good fortune to touch with my teaching or my friendship have meant to me.

Without growing maudlin, I must say that reading these essays—and, even more, listening to the presentations in their rougher and more personal form—has been an experience akin to winning the right to sit in on the most wonderful eulogies imaginable at one's own memorial service. Being able to hear those remarks in a pre-posthumous dress rehearsal while rumors of one's passing remain happily premature is a privilege beyond price. I have miles to go before I sleep, piles of wrongs to try righting, scores of windmills at which to tilt, mountains of intellectual problems to tackle, but my courage and joy in that remaining voyage are inestimably enhanced and enriched by the selfless gift these essays, each written by someone I deeply respect and admire, many written by friends I love, have bestowed. For all of that, I can offer only my warmest thanks.

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11. Kathleen M. Sullivan, *Law and Topology*, 42 *Tulsa L. Rev.* 949 (2007).

12. Kenji Yoshino, *Tribe*, 42 *Tulsa L. Rev.* 961 (2007).

13. Presentations were given on April 9 and 10, 2007, at the University of Tulsa College of Law, during the Sixth Annual Tulsa Law Review Legal Scholarship Symposium: The Scholarship of Laurence Tribe.

